

Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of

Amendment of Section 73.202(b))
Table of Allotments,) MM Docket No. 96-260
FM Broadcast Stations) RM-8965
(Mankato and Lake Crystal, Minnesota))

To: Mass Media Bureau

COUNTERPROPOSAL

Atlantis Broadcasting Co., L.L.C. (hereafter Atlantis), by its attorneys, and pursuant to Sections 1.401 and 1.420(d) of the Commission's rules, hereby counterproposes that Channel 231A (94.1 MHz) be allotted to Lake Crystal, Minnesota, in lieu of Mankato, Minnesota. In support thereof, the following is stated:

1. By Notice of Proposed Rule Making, DA 96-2127, released December 27, 1996, the Chief, Allocations Branch, proposes to allot Channel 231A at Mankato, Minnesota, as that community's third local commercial FM transmission service. Interested parties were invited to file Comments on or before February 18, 1997 and Reply Comments on or before March 5, 1997.

2. Atlantis proposes that the Commission allot Channel 231A at Lake Crystal, Minnesota, in lieu of Mankato, Minnesota, in order to provide Lake Crystal with a first local aural

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transmission service.¹ Lake Crystal is an incorporated place, located in Blue Earth County, Minnesota (1995 population - 29,400) approximately thirteen miles southwest of Mankato (1995 population - 54,200). Lake Crystal has a 1990 population of 2084. Source: Rand McNally Commercial Atlas & Marketing Guide (1996 Edition) pp. 391, 393.

3. Lake Crystal has its own post office and zip code (56055) (Ibid). It has a grade school, high school, public library, bank, newspaper (Lake Crystal Tribune) and fire and police services. Lake Crystal is served by over one hundred businesses and professions; seven churches and other community organizations are also located in Lake Crystal (Ibid), which qualifies as a community for FM licensing purposes. FM Channel Assignments (Beech Mountain, North Carolina), 6 FCC Rcd 5835, 69 RR2d 1731 (1991).

4. There is annexed hereto as Appendix A a channel allocations study prepared by T. Z. Sawyer Technical Consultants, which demonstrates that Channel 231A may be allotted to Lake Crystal in full compliance with the minimum distance separation and principal community coverage requirements of the rules.

5. The allotment of Channel 231A at Lake Crystal rather than at Mankato will better advance the objectives of Section 307(b) of the Communications Act of 1934, as amended, 47 U.S.C.

¹ Lake Crystal has been added to the caption.

§ 307(b) and the Commission's FM allocation policies. Although Mankato has a significantly larger population than Lake Crystal, it is presently served by two commercial FM stations, one noncommercial FM station and two fulltime AM stations. These are KEEZ-FM, which is authorized to operate on 99.1 MHz with Effective Radiated Power (ERP) of 100 KW and Height Above Average Terrain (HAAT) of 864 feet; KYSM-FM, which is authorized to operate on 103.5 MHz with ERP of 81 KW and HAAT of 531 feet; KMSU(FM), which is authorized to operate on 89.7 MHz with ERP of 20 KW and HAAT of 400 feet, KTOE(AM), which is authorized to operate on 1420 KHz with power of 5 KW (DA-N); and KYSM(AM), which is authorized to operate on 1230 KHz with power of 1 KW.

6. The allotment of Channel 231A at Mankato would, therefore, provide that community with its sixth local aural transmission service. In contrast, the allotment of Channel 231A at Lake Crystal would provide that community with its first aural transmission service, and, is, therefore, the preferred allotment. Beaufort County Broadcasting Co., 94 FCC 2d 572, 54 RR2d 923 (1983), aff'd sub nom., Beaufort County Broadcasting Co. v. FCC, 59 RR2d 1642 (D.C. Cir. 1986).

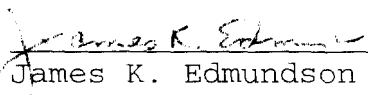
7. Atlantis hereby states that if the Commission grants its Counterproposal, it will apply for Channel 231A, when it is allotted to Lake Crystal, and if its application is granted, it will promptly build the station.

WHEREFORE, for the foregoing reasons, Atlantis respectfully requests the Commission to grant this Counterproposal and to allot Channel 231A at Lake Crystal, Minnesota.

Respectfully submitted,

ATLANTIS BROADCASTING CO., L.L.C.

By:


James K. Edmundson

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February 18, 1997
183704-1

Its Attorneys

Appendix A

TECHNICAL EXHIBIT

PETITION TO MODIFY
FM TABLE OF ALLOTMENTS
CHANNEL 231A

LAKE CRYSTAL, MINNESOTA

Proponent: Atlantis Broadcasting Co. L.L.C.

Narrative

The technical exhibit of which this narrative is part was prepared on behalf of Atlantis Broadcasting Co. L.L.C., in support of a counterproposal to modify the FM Table of Allotments (47CFR 73.202) to add FM Channel 231A as a fully spaced Class-A FM Commercial Service, to serve the incorporated community of Lake Crystal, Minnesota

Channel 231A, if allocated to Lake Crystal, Minnesota will not require a “site restriction” and can be allotted at the city reference point. There is an adequate area to locate the station and meet all separation requirements. Several existing communication towers are within this area to locate which is approximately 124 square kilometers in size. As an aid in determining the feasibility of the proposed allocation, a FM channel separation study was conducted at the city reference point using the following geographical coordinates:

44° 06’ 18” North Latitude

94° 12’ 54” West Longitude.

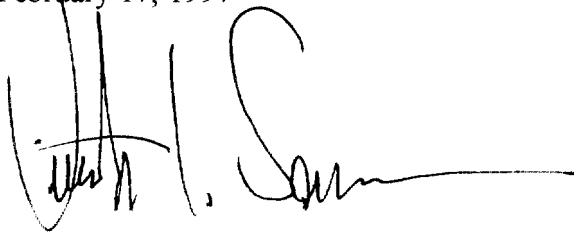
The results of the study are contained herein as Table I. The allocation (allotment) point is approximately 479 kilometers from the nearest point on the U.S.- Canada border; Canadian

concurrence of the allocation of Channel 231A to Lake Crystal will not be required. The allocation of Channel 231A at Lake Crystal, Minnesota, meets all domestic and international separation requirements.

No other AM, FM or Television assignments are licensed to this community, which is listed in the 1990 U.S. Census as having a population of 2,084 persons.

Further information, if required, concerning the technical merits or methods employed in the preparation of this narrative may be obtained by contacting the office of the undersigned.

February 17, 1997

A handwritten signature in black ink, appearing to read 'Timothy Z. Sawyer', with a long horizontal flourish extending to the right.

Timothy Z. Sawyer

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FM SEPARATION STUDY

Job Title :LAKE CRYSTAL MN

Separation Buffer 64 km

FCC DB Date : 02/13/97

Channel 231A (94.1 MHz)

Coordinates : 44-06-18 94-12-54

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
KITN LIC	Worthington MN	BLH941121KC	228C2 93.5	50. 142.0	43-31-31 95-24-47	236.6	115.94 60.94	55 CLEAR
KEGEFM LIC	Minneapolis MN	BLH910814KF	229C 93.7	100. 315.0	45-03-30 93-07-27	38.8	136.86 41.86	95 CLEAR
KIAI LIC	Mason City IA	BLH911024KD	230C1 93.9	100. 241.0	43-10-04 93-06-05	138.9	137.55 4.55	133 CLOSE
¹ PADD	Mankato MN	RM8965	231A 94.1	.0	44-10-12 94-00-24	66.4	18.18 -96.82	115 SHORT
KYRS LIC	Atwater MN	BLH881208KC	231A 94.1	3.00 100.0	45-04-24 94-45-20	338.5	115.86 .86	115 CLOSE
WIAL LIC	Eau Claire WI	BLH810519AE	231C1 94.1	84. 107.0	44-49-48 91-26-48	68.9	234.56 34.56	200 CLEAR
KDOMFM LIC	Windom MN	BLH920130KB	232A 94.3	5.7 102.0	43-53-06 95-10-56	252.8	81.36 9.36	72 CLOSE
KSTPFM LIC	St. Paul MN	BMLH910923KF	233C 94.5	100. 372.0	45-03-45 93-08-22	38.3	136.46 41.46	95 CLEAR
KNSG LIC	Springfield MN	BLH950711KD	234C2 94.7	50. 144.0	44-21-54 95-19-27	288.5	93.21 38.21	55 CLEAR
KRFOFM LIC	Owatonna MN	BMLH960111KW	285A 104.9	4.7 53.0	44-04-29 93-10-46	92.0 SS	83.01 73.01	10 CLEAR

Section 73.215 applicant

** End of separation study for channel 231A **

¹ The proposed allotment at Lake Crystal, MN of Channel 231A is a counterproposal to the proposed rulemaking at Mankato, MN.


CERTIFICATE OF SERVICE

I, Kaigh K. Johnson, a secretary in the law firm of Gardner, Carton & Douglas, certify that I have this 18th day of February, 1997, caused to be sent by first-class U.S. mail, postage-prepaid, a copy of the foregoing "**Counterproposal**" to the following

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Chief, Allocations Branch
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Mass Media Bureau
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Kaigh K. Johnson

*By Hand Delivery